

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DARRELL E. NEWTON,

Petitioner,

v.

**ERIC D. WILSON and ELLEN
ROSENBLUM,**

Respondents.

Civ. No. 6:13-cv-00994-CL

OPINION AND ORDER

MCSHANE, Judge:

Petitioner, *pro se*, brings this amended petition seeking habeas corpus relief under 28 U.S.C. § 2254. Petitioner seeks to challenge two state court convictions, including sexual abuse in the first degree, ORS § 163.427, and attempted sodomy in the second degree, ORS § 163.395, because of alleged ineffective assistance of counsel and ineffective notice of appeal rights. Judge Mark D. Clarke issued a Report and Recommendation on October 30, 2014, recommending denial. The matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

This Court reviews all portions of the Report and Recommendation subject to objection *de novo*. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Bus. Machs. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Petitioner timely filed objections. Upon review, this Court finds no error in Judge Clarke's Report and Recommendation, ECF No. 35. As indicated by Judge Clarke, petitioner neither filed his habeas corpus petition within the one-year statute of limitations proscribed by 28 U.S.C. § 2244(d) nor demonstrated that extraordinary circumstances

beyond his control prevented him from filing his petition. Report & Recommendation 4–7, ECF No. 35. Accordingly, petitioner’s amended petition is denied as time-barred.

CONCLUSION

This Court ADOPTS Judge Clarke’s Report and Recommendation, ECF No. 35, in full. Petitioner’s amended petition, ECF No. 22, is DENIED.

IT IS SO ORDERED.

DATED this 19th day of November, 2014.

A handwritten signature in black ink, appearing to read 'Michael J. McShane', written over a horizontal line.

Michael J. McShane
United States District Judge